

Terra Bella Union Elementary School District

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Terra Bella – Tulare County – California 93270

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December 15, 2014

Re:	Form 471 Application Number:	926927
	Funding Year:	2013
	Applicant's Form Identifier:	TB-TEL-2013
	Billed Entity Number:	143905
	FCC Registration Number:	0011462298
	SPIN:	143032055
	Service Provider Name:	High Wire Ops, Inc.
	Service Provider Contact Person:	Nathan Nelson

Please accept this letter as the Terra Bella Union School District's request for a waiver of FCC rules codified in Title 47 C.F.R. §54.720(a) and Title 47 C.F.R. §54.504(a)(1)9xi) in accordance with Title 47 C.F.R. §54.503.

Waiver - Title 47 C.F.R. §54.720(a):

The Terra Bella Union School District (BEN: 143905) petitions the Federal Communication Commission to waive its 60-day appeal window as codified in Title 47 C.F.R. §54.720(a) regarding Funding Request No. 2530936 associated with Form 471 Application Number 926927 for funding year 2013.

On September 26, 2014 the Universal Service Administrative Company (USAC) issued a Notification of Commitment Adjustment Letter to the Terra Bella Union School District (District) regarding Funding Request Number 2530936. The notification was received by the District, through U. S. mail, on September 29, 2014. An appeal letter was sent to USAC, via email, on December 1, 2014. Today (12/15/2014), the District received an *Administrator's Decision on Appeal – Funding Year 2013-2014* dated December 11, 2014. The decision notified the District that FCC rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed, and FCC rules do not permit the Universal Service Administrative Company to consider the District's appeal.

The Terra Bella Union School District requests that the Federal Communication Commission (FCC) waive its 60-day appeal window rule. The Federal Communication Commission (Commission) has waived rule 47 C.F.R. 54.720(a) in previous instances where petitioners submitted their appeals to the Commission or USAC only a few days late. Such precedent can be found under *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al; Schools and Libraries Universal Support Mechanism*, Order , 26 FCC Rcd 11019, 11019, para. 2 (Wireline Comp. Bur. 2011) (waiving the filing deadline for petitioners who submitted their appeals to the Commission or USAC only a few days late).

Waiver - Title 47 C.F.R. §54.504(a)(1)9xi in accordance with Title 47 C.F.R. §54.503:

The Terra Bella Union School District (BEN: 143905) petitions the Federal Communication Commission to waive its competitive bidding rules codified in Title 47 C.F.R. §54.504(a)(1)9xi in accordance with Title 47 C.F.R. §54.503 regarding Funding Request No. 2530936 associated with Form 471 Application Number 926927 for funding year 2013.

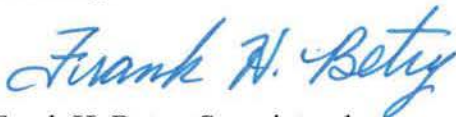
Three bids were received in response to the District's Form 470 posting. The bidders included AT&T, Highwire Ops, DBA Springville Wireless, and Tulare County Department of Education in conjunction with VAST Networks also identified as CVIN. In evaluating each bid the district considered the product offered to determine if it met the educational needs of our students, the date that the product could be delivered as proposed by the bidder, and the cost effectiveness of the product being offered. Several factors (bandwidth and availability) that were an integral part of each bid were analyzed to determine the actual price of each vendor's product.

The District erred during its evaluation of each vendor's proposal by assigning 20 points to price, 20 points to bandwidth, and 20 points to availability of internet service in our area. While the District selected the vendor with the least expensive service offering, the District should have assigned of at least 21 points to price when evaluating each vendor.

The Federal Communication Commission (Commission) has waived competitive bidding rules in similar instances. Such precedent can be found under the FCC's waiver re *Allendale County*, 26 FCC Red at 6116, para. 10 (finding that a waiver of the Commission's competitive bidding rules was in the public interest where the petitioners did not assign the highest weight to price when evaluating bids, but ultimately selected the vendor with the least expensive service offering); *Requests for Review of the Decisions of the Universal Service Administrator by Euclid City School District et al.*, CC Docket No. 02-6, Order, 27 FCC Red 14169, 14170-71, para 2 (Wireline Comp. Bur. 2012).

The Terra Bella Union School District appreciates your consideration of these waiver requests.

Sincerely,



Frank H. Betry, Superintendent